

1 GEORGE S. CARDONA
Acting United States Attorney
2 THOMAS P. O'BRIEN
Assistant United States Attorney
3 Chief, Criminal Division
JOSEPH O. JOHNS (No. 144524)
4 Assistant United States Attorney
Chief, Environmental Crimes Section
5 1300 U.S. Courthouse
312 North Spring Street
6 Los Angeles, California 90012
Telephone: (213) 894-4536
7 Email: joseph.johns@usdoj.gov

8 Attorneys for Plaintiff
United States of America

9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11

12 UNITED STATES OF AMERICA,)	CR-06-595-GPS
)	
13 Plaintiff,)	<u>GOVERNMENT'S RESPONSE TO</u>
14 v.)	<u>PRESENTENCE REPORT</u>
)	
15 HISAYOSHI KOJIMA,)	
)	Date: April 16, 2007
16 Defendant.)	Time: 9:00 a.m.
_____)	

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18 Plaintiff United States of America, by and through Assistant
19 United States Attorney Joseph O. Johns, hereby submits its
20 response to the presentence report. This response is based on

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1 the attached Memorandum of Points and Authorities, and the files
2 and records in this case.

3 DATED: March 22, 2007.

4 Respectfully submitted,

5 GEORGE S. CARDONA
6 Acting United States Attorney

7 THOMAS P. O'BRIEN
8 Assistant United States Attorney
9 Chief, Criminal Division

10 /S/
11 JOSEPH O. JOHNS
12 Assistant U.S. Attorney
13 Chief, Environmental Crimes Section

14 Attorneys for Plaintiff
15 United States of America
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I

3 THE PRESENTENCE REPORT

4 A. Factual Objections

5 The government does not object to the facts set forth in the
6 presentence report.

7 B. Guidelines Application Objections

8 The government does not object to the probation officer's
9 application of the Guidelines nor the calculation of defendant's
10 offense level.

11 II

12 GOVERNMENTS SENTENCING RECOMMENDATION

13 The presentence report recommends a sentence within an 18-24
14 month range, a fine of \$30,000, and restitution in the amount of
15 \$7,565. These recommendations are consistent with the terms and
16 conditions of the parties' plea agreement.

17 The Probation Officer recommends a sentence at the low end
18 of the range - 18 months. The government recommends that the
19 Court impose a sentence at the upper end of the range - 24
20 months. This recommendation is supported by the United States
21 Sentencing Guidelines and merited by the following 18 U.S.C. §
22 3553 sentencing factors and the factual summary detailed below:

23 (1) the nature and circumstances of the offense and the
24 history and characteristics of the defendant; and

25 (2) the need for the sentence imposed to reflect the
26 seriousness of the offense and to promote respect for the law and
27 to provide just punishment for the offense
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1 The United States Fish and Wildlife agency's investigation
2 of defendant spanned a number of years from June 2004 through
3 June 2006. PSR ¶ 23. Extensive surveillance of defendant's
4 activities was conducted during his travels from Japan into the
5 United States. Extensive undercover contacts and negotiations
6 were made and conducted with defendant in person and over the
7 internet. The investigating agents learned that defendant had
8 established an extensive insect and butterfly collection and
9 smuggling network to support his illegal distribution activities.
10 During the course of the two year investigation, defendant
11 illegally sold and exported 33 endangered or protected butterfly
12 specimens to undercover agents for a total of \$26,797. Of
13 greater significance, however, is the fact that defendant also
14 offered to illegally export and sell hundreds of other endangered
15 or protected specimens valued between approximately \$100,000 to
16 \$300,000. PSR ¶ 23.

CERTIFICATE OF SERVICE

I, Sandy Ear, declare:

That I am a citizen of the United States that my business address is Office of United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of California, at whose direction the service by mail described in this Certificate was made; that on March 22, 2007, I deposited in the United States Courthouse at 312 North Spring Street, Los Angeles, California, in the above-entitled action, in an envelope, a copy of: **GOVERNMENT'S RESPONSE TO PRESENTENCE REPORT**

addressed to:	Norman Sasamori	Robert Kleppa, USPO
	1925 Century Park East	US Probation Office
	Suite 500	312 N. Spring St. 6th FL.
	Los Angeles, CA 90067	Los Angeles, CA 90012

at their last known addresses, at which place there is a delivery service by United States mail.

This Certificate is executed on March 22, 2007, at Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct and resident or employed in Los Angeles County, California.


SANDY EAR